



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

JUL 24 2002

Ref. No. 02-0060

Mr. Wes Pace
Hazmat Compliance Manager
Landstar System, Inc.
13410 Sutton Park Drive
Jacksonville, FL 32224

Dear Mr. Pace:

This responds to your letter regarding the placement of the words "toxic" or "poison" in association with the shipping description shown on a shipping paper under 49 CFR 172.203(m). Specifically, you ask whether the words "toxic" or "poison" may be placed between the proper shipping name and the hazard class.

The answer is no. Under § 172.203(m) (1), if a liquid or solid material meets the definition of a Division 6.1, Packing Group I or II, and the fact that it is a poison is not disclosed in the proper shipping name or class entry, the word "poison" or "toxic" must be entered in association with the shipping description. The words "in association with" means that the component may follow the basic description of the hazardous material in any reasonable format, provided it is clearly part of the entry. The basic description consisting of the proper shipping name, hazard class, identification number, and packing group is required by § 172.202(b) to be entered in sequence, with authorized exceptions. Among the authorized exceptions are entering the letters "RQ" before or after the basic description as authorized by § 172.203(c) (2) and entering the technical name or chemical name between the proper shipping name and hazard class as authorized by § 172.202(d).

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



02-0060

172202



Stevens
§ 172.202(a)(2)
Shipping Papers
08-0060
01/31/02

Office of Hazardous Materials Transportation
Research and Special Programs Administration
U.S. Department of Transportation
Washington, D.C. 20590

Dear Sir or Madam:

I would like clarification of a scenario, if possible.
This involves 172.202 (a) (2) and 172.203 (m) (1).

If I had a description of, Hydrofluoric acid, solution, toxic, 8 UN1790, PG II RQ.
Would Reg. # 172.203(m) (1) allow me to have the word "toxic" listed before the
primary class of 8? This Reg. Says the word "toxic" must be entered "in
association with the shipping description" if the poison is a PG I or PG II.
This wording of "in association with" seems to have left the door open to have
"toxic" listed where I choose as long as it is part of the description.
Now Reg. # 172.202 (a) (2) says a sub hazard "may" be entered after the class
as shown in column 3 of the table (172.101) or following the basic description.
Would or could 172.202 (a) (2) be the rule or is 172.203 (m) (1) permissible?
I can be reached at 800-235-7032 or e-mail @ Wpace@Landstar.com

Thank you for any help,
Wes Pace


HazMat Compliance Manager.



LANDSTAR

Compliance

02/07/02

Edward Mazzula
Office of Hazardous Material Standards
Room 8422
Washington, D.C. 20590

Mr. Mazzula,

Could I get a clarification to a scenario in reference to a basic description of a material and how it "must" be listed on a shipping paper?

If I had a basic description of, Hydrofluoric Acid, solution, toxic, 8, UN1790, II, R.Q.
Would Reg. # 172.203 (m) (1) allow me to enter the word "toxic" before the primary hazard class of 8?
For the benefit of discussion we'll say the class 6 (sub-hazard) is a PG II.
Under 172.203 (m) (1) where a liquid or solid material meets the definition of a Division 6.1 PG I or PG II, according to this sub-chapter, and the fact that it is a poison is not disclosed in the shipping name or class entry, the word "Poison or Toxic" shall be entered on the shipping paper in association with the shipping description.

The wording of "in association with" seems or appears to have left the door open to allow "toxic" to be placed where one chooses provided it is in association with the shipping description.

I am aware of 172.201 (a) (2) and 172.202 (a) (4) but would like to know if 172.201 (a) (4) and 172.202 (a) (2) are the rule, and why, or is my scenario description permissible by Reg. # 172.203 (m) (1)?

If possible, could I get a reply in writing? It can be faxed to: Wes Pace @ Fax# 888-345-9220.
And I can be reached by phone @ 800-235-7032.
Clarification would be deeply appreciated.

Thank you for your help,

Wes Pace

HazMat Compliance Manager
Landstar Carrier Services.

Serving Landstar Express America • Landstar Gemini • Landstar Inway • Landstar Ligon • Landstar Ranger
P.O. Box 19135 Jacksonville, Florida 32245-9914